

**REMARKS**

This response addresses the issues raised by the Examiner in the Office Action mailed October 22, 2004. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. Claims 7-8, 10-11 and 16 have been currently amended. Accordingly, Claims 1-16 are pending in this case all to more clearly and distinctly claim Applicants' invention. Applicants respectfully request entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejects Claims 7-8, 11, 14 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner states that Claims 7 and 8 are unclear as to where the pumps are located with respect to other elements. The Examiner also points out that Claim 11 is a method claims that depends improperly on apparatus Claim 1. The Examiner states that it appears that dependency on Claim 10 was intended. The Examiner then points out that Claim 16 lacks antecedent basis for the plurality of enclosures. The Examiner further states that it appears that dependency on Claim 12 was intended. Applicant respectfully traverses this rejection.

In order to expedite prosecution, Applicant has amended Claims 7 and 8 to include that the suction source is a powered pump located downstream from the enclosure to augment the natural current flow and to drive the water through the enclosure. Support for this, for example, may be found in the specification at paragraphs [0047] and [0055]. Applicant has also amended Claims 11 and 16 as the Examiner suggests. No new matter has been added. Applicants submit that the claims as amended overcome the Examiner rejections under 35 U.S.C. § 112, second paragraph.

**Rejection Under 35 U.S.C. § 112, First Paragraph**

The Examiner rejects Claims 3, 7-8 and 15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the specification does not describe the pump described in Claims 7 and 8. In addition, the

overcome the rejection under 36 U.S.C. §112, second paragraph.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

Dated: January 25, 2005

By

  
Jules E. Goldberg

Reg. No. 24,408

REED SMITH LLP

599 Lexington Avenue

29<sup>th</sup> Floor

New York, NY 10022-7650

(212) 521-5400

Attorney for Applicant

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to Figure 2. This sheet replaces the original sheet including Figure 2. In Figure 2, pump 25 is added.

Attachments: Replacement Sheet  
Annotated Sheet Showing Changes

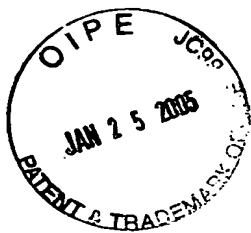


Fig.2

